

FEDERAL REGISTER

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Washington, Friday, October 24, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

MISCELLANEOUS AMENDMENTS

1. In the table of contents, the heading under § 2.3 is corrected to read Probational and temporary appointments.

2. Effective upon publication in the FEDERAL REGISTER, § 2.102 (b) is amended to read as follows:

§ 2.102 *Competition restricted to veterans.* * * *

(b) Until July 25, 1952, competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional Officer, Bureau of Prisons, Department of Justice; Substitute Railway Postal Clerk, Post Office Department; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration. (R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 5331; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-9481; Filed Oct. 23, 1947;
8:45 a. m.]

TITLE 10—ARMY

Chapter III—Claims and Accounts

PART 308—ALLOTMENTS OF PAY

EFFECTIVE DATE OF CLASS E ALLOTMENTS

Rescind the last sentence of § 308.8 and substitute the following:

§ 308.8 *Commencing date; Class E allotments.* * * * A class E allotment will not be made effective with the month in which an officer or enlisted person enters on duty except when an enlisted person is commissioned, or appointed a warrant officer, when a warrant officer is commissioned, or when a

graduate, United States Military Academy, enters commissioned officer status.

[AR 35-5520, June 4, 1947, as amended by C1, Sept. 22, 1947] (Sec. 16, 30 Stat. 981; 40 Stat. 384; 52 Stat. 354; 10 U. S. C. 894)

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 47-9284; Filed, Oct. 23, 1947;
10:35 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51774]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

STATISTICAL COPIES OF IMMEDIATE TRANSPORTATION AND 6-MONTHS' BOND ENTRIES NO LONGER REQUIRED

1. The first sentence of paragraph (a) of § 10.31, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.31 (a)), is amended by inserting "in duplicate," after "7501".

(Pars. 1607, 1747, 1808, 1809; sec. 201, 46 Stat. 673, 680, 684, sec. 308, 46 Stat. 690, sec. 4, 52 Stat. 1079, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1308, 1624)

2. The first sentence of paragraph (i) of § 18.11, Customs Regulations of 1943 (19 CFR, Cum. Supp., 18.11 (i)), is amended by deleting the word "ten" and substituting therefor the word "nine".

(Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083, secs. 522, 624, 46 Stat. 742, 759; 19 U. S. C. 1484, 1552, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: October 16, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-9493; Filed, Oct. 23, 1947;
8:52 a. m.]

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FEDERAL REGISTER

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TITLE 24—HOUSING CREDIT**Chapter VIII—Office of Housing Expediter****PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947****CONTROLLED HOUSING RENT REGULATION**

Amendment 5 to the Controlled Housing Rent Regulation. The Controlled Housing Rent Regulation¹ (§825.1) is amended in the following respects:

1. Schedule B is amended by incorporating items 3 and 4 as follows:

3. Provisions relating to Ottawa County, Kansas, in the Salina Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in Ottawa County.

4. Provisions relating to Klamath Falls Defense-Rental Area, State of Oregon.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the maximum rents for all housing accommodations in the Klamath Falls Defense-Rental Area shall be increased 10 per cent, except in cases in which the maximum rent has been established under section 4 (b) of the regulation prior to the effective date of this amendment. All provisions of the regulation insofar as they are applicable to the Klamath Falls Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

2. Schedule A, Item 121, is amended to describe the counties in the defense-rental area under the Rent Regulation for Housing as follows: Dickinson, McPherson, and Saline.

This amendment shall become effective October 23, 1947.

Issued this 23d day of October 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement to Accompany Amendment 5 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Salina Defense-Rental Area, Kansas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Ottawa County.

The Local Advisory Board for the Klamath Falls Defense-Rental Area, Oregon has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in Klamath Falls Defense-Rental Area, Oregon, of 10 per cent.

The Housing Expediter has found that these recommendations are appropriately substantiated and are in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate these recommendations.

[F. R. Doc. 47-9551; Filed, Oct. 23, 1947; 9:43 a. m.]

Statement to Accompany Amendment 5 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Salina Defense-Rental Area, Kansas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, recommended the decontrol of Ottawa County.

The Local Advisory Board for the Klamath Falls Defense-Rental Area, Oregon, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, recommended an increase in the general rent level in Klamath Falls Defense-Rental Area, Oregon, of 10 percent.

The Housing Expediter has found that these recommendations are appropriately substantiated and are in accordance with applicable law and regulations, and is therefore issuing this amendment to effectuate these recommendations.

[F. R. Doc. 47-9552; Filed, Oct. 23, 1947; 9:43 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947**RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS**

Amendment 5 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments¹ (§ 825.5) is amended in the following respects:

1. Schedule B is amended by incorporating items 3 and 4 as follows:

3. Provisions relating to Ottawa County, Kansas, in the Salina Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Ottawa County.

4. Provisions relating to Klamath Falls Defense-Rental Area, State of Oregon.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the maximum rents for all housing accommodations in the Klamath Falls Defense-Rental Area shall be increased 10 percent, except in cases in which the maximum rent has been established under section 4 (b) of the regulation prior to the effective date of this amendment. All provisions of the regulation insofar as they are applicable to the Klamath Falls Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

2. Schedule A, item 121, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows: "Dickinson, McPherson, and Saline."

This amendment shall become effective October 23, 1947.

Issued this 23d day of October 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY**DESIGNATION OF ACTING HOUSING EXPEDITER**

§ 851.22 *Designation of Acting Housing Expediter.* Tighe E. Woods is hereby designated to act as Housing Expediter during my absence from October 21 to October 24, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, or any other act of Congress or Executive Order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (Pub. Law 129, 80th Cong.)

Issued this 21st day of October 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-9492; Filed, Oct. 23, 1947; 8:52 a. m.]

TITLE 14—CIVIL AVIATION**Chapter I—Civil Aeronautics Board****PART 61—SCHEDULED AIR CARRIER RULES****POSTPONEMENT UNTIL JANUARY 1, 1948, OF DELETION OF WORD "APPRECIABLE" FROM TAKE-OFF LIMITATIONS APPLYING TO AIRPLANES CERTIFICATED UNDER TRANSPORT CATEGORY****Correction**

The original document published as Federal Register Document 47-9077, appearing on page 6656 of the issue for Thursday, October 9, 1947, has been corrected by the Civil Aeronautics Board so that § 61.7112 (c) referred to in the second paragraph reads "§ 61.7122 (c)."

¹ 12 F. R. 4331, 5421, 5454, 5697, 6027, 6687.

¹ 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686.

RULES AND REGULATIONS

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service,
Federal Security Agency

Subchapter B—Personnel

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

APPOINTMENT OF SPECIAL CONSULTANTS

Part 22 is amended by adding the following section:

SPECIAL CONSULTANTS

§ 22.3 *Appointment of special consultants.* When the Public Health Service requires the services of consultants who cannot be obtained when needed through regular Civil Service appointment, or under compensation provisions of the Classification Act of 1923, as amended, the Surgeon General may appoint, in accordance with such instructions as may be issued from time to time by the Administrator, special consultants to assist and advise in the operations of the Service at such per diem or other rates of compensation as the Surgeon General shall determine. No such consultant shall be employed for an aggregate of more than one-half of the number of working days of any fiscal year unless the Administrator, because of special circumstances, shall approve an extension thereof. (Sec. 208 (c), 58 Stat. 686, sec. 12, 60 Stat. 809; 42 U. S. C. Sup. 209 (c).)

Dated: October 17, 1947.

[SEAL]

THOMAS PARRAN,
Surgeon General.

Approved, October 21, 1947.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 47-9508; Filed, Oct. 23, 1947;
8:46 a. m.]

TITLE 43—PUBLIC LANDS:
INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1659]

PART 160—GRAZING LEASES

This part is hereby completely revised to read as follows:

Sec.
 160.1 Statutory authority.
 160.2 Definitions.
 160.3 Classes of applicants; preference rights.
 160.4 Filing of applications; copies necessary.
 160.5 Qualifications of applicants.
 160.6 No right conferred by application, prior to lease.
 160.7 Filing fees.
 160.8 Protests.
 160.9 Filing of petitions.
 160.10 Leases of withdrawn or reserved lands.
 160.11 Offer and issuance of lease; disposition of protests and conflicting applications.
 160.12 Reduction in leased area.
 160.13 Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.

Sec.
 160.14 Rental.
 160.15 Term of lease.
 160.16 Construction and removal of improvements.
 160.17 Cancellation of lease.
 160.18 Inspection of leased premises.
 160.19 Assignment of lease; subleases of leased lands.
 160.20 Leases pledged as security for loans.
 160.21 Appeals.

AUTHORITY: §§ 160.1 to 160.21, inclusive, issued under section 15, 48 Stat. 1275, section 5, 49 Stat. 1978, 43 U. S. C. 315m.

§ 160.1 *Statutory authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated and unreserved public lands outside of established grazing districts in the continental United States.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "The act" means section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended by section 5 of the act of June 26, 1936 (49 Stat. 1978, 43 U. S. C. 315m).

§ 160.3 *Classes of applicants; preference rights.* In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

(a) Leases where no preference-right applicant is involved.

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less,¹ for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference right is asserted during a period of 90 days after such tract is offered for lease.²

§ 160.4 *Filing of applications; copies necessary.* An application for lease should be submitted on Form 4-721 and filed in the district land office for the district in which the lands applied for are situated, except that in the states in which there are no district land offices, the application should be filed with the Director. The application must be filed in triplicate, except where it embraces

¹ Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision.

² By Departmental notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The application need not be under oath but must be signed by the applicant.³

§ 160.5 *Qualifications of applicants.* Any person who is a citizen of the United States or who has declared his intention to become a citizen and whose declaration is still valid, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file an application for a lease.

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public-land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Filing fees.* Every applicant for a lease must pay to the Manager, at the time of filing an application, a fee of \$5 if his lease application is for 1,000 acres or less, and an additional \$5 for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained as a service charge.

§ 160.8 *Protests.* Protests against the approval of an application for a lease should be in duplicate, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.9 *Filing of petitions for renewals.* A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for renewal of the lease on Form 4-725. The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. No filing fee will be required in connection with a petition for renewal. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee.

³ Title 18, U. S. C. sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

in accordance with the terms of the prior lease pending final action on the petition.

§ 160.10 Leases of withdrawn or reserved lands. Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,⁴ if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7 (c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.11 Offer and issuance of lease; disposition of protests and conflicting applications. The Director, after consideration of the field report as to the area, term, and rental to be included in the proposed lease, shall forward it, in triplicate, on Form 4-722a, to the district land office for execution by the applicant. After execution, the applicant will return the proposed lease forms, together with the amount of rental due under § 160.14 to the district land office. If all is found to be regular, a lease will be issued by the Director after final action has been taken on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands at the time of field investigation. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the Director in the light of all available information, including the field report.

After the proposed lease forms have been transmitted to an applicant, and if such lease is executed by him, any application filed subsequent to such transmittal will be rejected as to any lands included in that proposed lease.

§ 160.12 Reduction in leased area. The leased area may be reduced if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, town sites, mining claims, or for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. In that event, a proportionate reduction will be made in the annual rental charges.

§ 160.13 Leased lands subject to classification and disposition; compensation

⁴ Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (I) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C. 501).

to lessee for improvements and damages. Lands embraced in a grazing lease are subject to classification and disposition under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315f); *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his leasehold. All such agreements, to be effective, must be approved by the Director. If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Director. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

Any agency of the Federal Government which needs lands embraced in a grazing lease for a governmental use other than one described in § 160.12, and requests a permit, withdrawal, reservation, lease or patent, shall be considered an applicant within the meaning of this section.

§ 160.14 Rental. Each lessee shall pay to the district land office specified in the lease, in accordance with the terms of the lease, such annual rental as may be determined to be a fair compensation for the grazing use of the leased land. In no lease, however, will the rental charge be fixed at less than \$1 per annum. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

§ 160.15 Term of lease. A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.16 Construction and removal of improvements. After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.

Upon the expiration of a lease or its earlier termination, the Director may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new

lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of section 15 leases. The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.13. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States.

§ 160.17 Cancellation of lease. If the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease, and such default shall continue for 60 days after service of written notice thereof, the lease may be terminated and canceled by the Director.

§ 160.18 Inspection of leased premises. The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior, and other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary Government business.

§ 160.19 Assignment of lease; subleases of leased land. Proposed assignments of a lease, and proposed subleases of the leased lands, in whole or in part, must be filed in the district land office and may be approved by the Director. The assignments and subleases must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease; and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved.

§ 160.20 Leases pledged as security for loans. (a) A lease may be pledged as security for a loan of \$500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the district land office the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the lease will be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by the regulations in this part.

(c) In case the property of the lessee which was the basis for the granting of a preference right, is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such

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agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.21 *Appeals.* An appeal may be taken from any decision of the Director to the Secretary, pursuant to the rules of practice, 43 CFR, Part 221.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 20, 1947.

[F. R. Doc. 47-9479; Filed, Oct. 23, 1947;
8:45 a. m.]

PART 162—LIST OF ORDERS CREATING AND
MODIFYING GRAZING DISTRICTS

IDAHO GRAZING DISTRICT NO. 1

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Federal Register Document 47-9489 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*, modifying Departmental Order of April 8, 1935, which established Idaho Grazing District No. 1.

Appendix—Public Land Orders
[Public Land Order 415]

SOUTH DAKOTA

REVOKING EXECUTIVE ORDERS NOS. 1452 AND
2522 OF JANUARY 2, 1912, AND JANUARY
30, 1917

Correction

In F. R. Doc. 47-9352 appearing on page 6831 of the issue for Saturday, October 18, 1947, the following changes are made:

1. In the third line, the date should read "June 25, 1910."
2. The next to the last paragraph should read:

Inquiries concerning these lands shall be addressed to the District Land Office at Pierre, South Dakota.

[Public Land Order 418]

COLORADO

MODIFYING PUBLIC LAND ORDER 13 TO PERMIT ISSUANCE OF OIL AND GAS LEASES FOR LANDS AND MINERAL DEPOSITS WITHDRAWN THEREBY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516), it is ordered as follows:

Public Land Order No. 13 of July 21, 1942 withdrawing certain public lands, together with the mineral deposits owned

by the United States in certain patented lands, from all forms of appropriation under the public land laws, including the mineral laws, and reserving them for use of the Department of the Interior in connection with the prosecution of the war, is hereby modified to permit the issuance of oil and gas leases for such lands and mineral deposits under the act of February 25, 1920, 41 Stat. 437, as amended (30 U. S. C. 181). All leases so issued shall contain such stipulations as have been or may be required by the Secretary of the Interior, for the protection of the helium deposits in the lands.

This order shall not become effective to change the status of such lands until 10:00 a. m. on December 16, 1947. At that time the lands outside of the known geologic structure of the producing field shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to noncompetitive oil and gas lease application. Application by the general public may be presented during the 20-day period from November 27, 1947 to December 16, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 16, 1947, shall be treated as simultaneously filed.

Applications for leases on these lands, which shall be filed in the District Land Office in Pueblo, Colorado, shall be governed by the regulations contained in §§ 191.10 and 192.42 of Title 43 of the Code of Federal Regulations (Circulars 1623 and 1624 October 28, 1946).

Inquiries concerning these lands shall be addressed to Manager, District Land Office, Pueblo, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 29 S., R. 60 W.
T. 30 S., R. 60 W.

The areas described, including both public and non-public lands, aggregate 46,123.73 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 14, 1947.

[F. R. Doc. 47-9478; Filed, Oct. 23, 1947;
8:45 a. m.]

Chapter II—Bureau of Reclamation,
Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON
PUBLIC LANDS AND WATER RENTAL

KLAMATH PROJECT, OREGON-CALIFORNIA;
TULE LAKE DIVISION

CROSS REFERENCE: For public notice opening public lands to entry and announcing availability of water in the Klamath Project, Oregon-California, Tule Lake Division, see Federal Register Document 47-9488 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 49—TRANSPORTATION
AND RAILROADS

Chapter I—Interstate Commerce
Commission

[Rev. S. O. 552, Amdt. 1]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF
AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of October A. D. 1947.

Upon further consideration of Revised Service Order No. 552 (12 F. R. 5670), and good cause appearing therefor; it is ordered, that:

Section 95.552 *Control tidewater coal; appointment of agent*, of Service Order No. 552, be, and it is hereby further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., November 20, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., October 20, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-9483; Filed, Oct. 23, 1947;
8:46 a. m.]

[S. O. 782]

PART 95—CAR SERVICE

MCKINNEY GRAIN CO.; EMBARGO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October A. D. 1947.

It appearing, that the McKinney Grain Company, McKinney, Texas, on or about July 21, 1947, shipped NKP 17383 loaded with 24,100 pounds of Johnson Grass Hay; that since that time said car has been diverted ten times after which it arrived Skidmore, Texas, on October 10, 1947 after having been diverted in a circle of approximately 3,000 miles within the State of Texas and held under load 82 days.

It further appearing, that the McKinney Grain Company for a long period of

time has consistently misused and delayed equipment. It is ordered, that:

§ 95.782 *Shipments to, from, for, or by the McKinney Grain Company be embargoed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shippers a car or cars loaded with freight consigned or reconsigned direct to, or advise McKinney Grain Company; nor shall said named carriers deliver or place for delivery such car or cars consigned or reconsigned direct to, or advise McKinney Grain Company; nor shall said named carriers accept orders for a car or cars to be placed for loading by McKinney Grain Company, its agents or employees at any point or station within the territorial limits of the United States.

(b) *Application.* The provisions of this section shall apply to intrastate and

foreign commerce as well as interstate commerce.

(c) *Special and general permits.* This section shall be subject to any special or general permits issued by C. B. Cox, Service Agent, Bureau of Service, Interstate Commerce Commission, 504 Federal Office Building, Houston, Texas, authorizing a departure therefrom.

(d) *Effective date.* This section shall become effective at 7:00 a. m., October 22, 1947.

(e) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1948, unless modified, changed, suspended, or annulled by order of the Commission. (Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

It is further ordered, that copies of this order shall be served upon the railroads specified in paragraph (a) hereof and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-9482; Filed, Oct. 23, 1947;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR, Part 12]

[Order 2368]

PRIVATE LANDS IN NATIONAL PARKS OVER WHICH THE UNITED STATES EXERCISES EXCLUSIVE JURISDICTION

NOTICE OF PROPOSED RULE MAKING

OCTOBER 14, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.), and the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C. 3), notice is hereby given that the Secretary of the Interior intends to take the following action:

A. To amend Part 12 by adding a new § 12.8, reading as follows:

§ 12.8 *Intoxicating Liquors.* (a) No alcoholic, spirituous, vinous, or fermented liquor, containing more than one per cent of alcohol by weight, shall be sold on any privately-owned lands within any of the national parks listed in § 12.1 unless a permit for the sale thereof has first been secured from the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter.

(b) In granting or refusing applications for permits as herein provided, the regional directors shall take into consideration (1) the character of the neighborhood, (2) the availability of other liquor-dispensing facilities, (3) the local laws governing the sale of liquor, and (4) any other local factors which, in their judgment, have a relationship to the privilege requested.

(c) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the national park boundaries by the local State Government or appropriate political subdivision thereof within whose exterior boundaries

the place covered by the permit is situated.

(d) The applicant or permittee may appeal to the Director, National Park Service, from any final action of the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter, refusing, conditioning or revoking the permit. Such an appeal, in writing, shall be filed within twenty days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(e) The revocable permit for sale of intoxicating liquors authorized herein to be issued by the appropriate regional director as designated in §§ 01.30 and 01.82 of this chapter shall contain general regulatory provisions as hereinafter set forth, and will include such special conditions as the regional director may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

FRONT OF PERMIT

No. _____ Form No. _____
Year 19_____(_____, 1947)

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Revocable Permit for Sale of Intoxicating Liquors on Privately Owned Lands

Permission is hereby granted _____ of _____, 19_____, to _____, 19_____, inclusive, to sell the following mentioned intoxicating liquors _____ within (an established place of business) (a place of business to be established) (strike out one) on the following described privately owned lands within _____ National Park, over which the United States exercises exclusive jurisdiction: _____

subject to the general provisions and any special conditions stated on the reverse hereof and subject also to the payment to the Government of the United States of the sum

of _____ dollars (\$_____) in (annually) (quarterly) (monthly) advance, payment to be made through the Superintendent of the Park. Payment shall be tendered by money order, check or draft payable to the Treasurer, United States of America. Payment shall not be considered as made until the funds are collected by the United States.

Issued at _____, this _____ day of _____, 19_____.
Superintendent.

The undersigned hereby accepts the above permit subject to the terms, covenants, obligations, and reservations expressed or implied therein, with the understanding that this permit shall not be valid until approved by the appropriate regional director as designated in §§ 01.30 and 01.82, Part 01, Chapter I, Title 36, Code of Federal Regulations.

(1)

Address _____

Address _____

Two witnesses to signature(s): _____

Address: _____

Address: _____

Approved: _____

Regional Director, Region _____

REVERSE OF PERMIT

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, sanitary and sightly condition.

* Sign name or names as written in body of permit; for copartnership, permittees should sign as 'Members of firm'; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the secretary, with corporate seal, in lieu of witnesses.

PROPOSED RULE MAKING

3. Permittee shall dispose of brush and other refuse from the business herein permitted as required by the Superintendent.

4. Permittee shall pay to the United States for any damage resulting to Government-owned property from the operation of the business herein permitted.

5. Permittee, his agents, and employees shall take all reasonable precautions to prevent forest fires and shall assist the Superintendent to extinguish forest fires within the vicinity of the place of business herein permitted, and in the preservation of good order within the vicinity of the business operations herein permitted.

6. Failure of the permittee to comply with all State and county laws and ordinances applicable to the sale of intoxicating liquors, except provisions requiring payment of license fees, or to comply with any law or any regulations of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be ground for revocation of this permit. The permit may be revoked by the regional director at any time in his discretion.

7. No minor may be employed by the permittee in the sale or dispensing of intoxicating liquors permitted under this permit.

8. No intoxicating liquors shall be sold to a minor.

9. No disorderly conduct shall be permitted on the premises.

10. This permit may not be transferred or assigned without the consent, in writing, of the appropriate regional director as designated in §§ 01.30 and 01.82, Part 01, Chapter I, Title 36, Code of Federal Regulations.

11. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

12. The following special provisions are made a part of this permit:

(a) -----

The foregoing amendment is to become effective December 1, 1947, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the amendment for issuance as set forth above by submitting their views, data, or arguments, in writing, to Newton B. Drury, Director, National Park Service, Department of the Interior, Washington, 25, D. C., within 30 days from the date of publication of this notice of intention in the daily issue of the *FEDERAL REGISTER*.

[SEAL]

J. A. KRUG,

Secretary of the Interior.

[F. R. Doc. 47-9517; Filed, Oct. 23, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 121]

[Docket No. 8558]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of proposed amendment of § 12.64 of the rules governing amateur radio service and proposed new § 12.7.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed changes in the rules and regulations, set forth in an appendix

attached to this notice, define the term remote control and stipulate the conditions under which remote control of amateur radio stations may be authorized.

3. The proposed rules are issued under the authority of sections 303 (d) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rules should not be adopted or should not be adopted in the form set forth may file with the Commission on or before November 6, 1947 a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking any final action in the matter, and if any comments are submitted which appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 16, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. Section 12.64 of the rules governing Amateur Radio Service is amended to read as follows:

§ 12.64 *Location of station.* (a) Only one fixed location will be authorized and designated in the license for each amateur station. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and, *Provided*, That the following conditions are met:

(1) The remote control point as well as the remotely-controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely-controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely-controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely-controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the rules governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with subparagraphs (1) through (5) of this paragraph. Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or tower, provided there is full compliance with the conditions set forth in subparagraphs (1) through (5) of paragraph (b) of this section.

2. A new § 12.7 is added to the rules governing amateur radio service to read as follows:

§ 12.7 *Remote control.* The term "remote control" as applied to the Amateur Radio Service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

[F. R. Doc. 47-9504; Filed, Oct. 23, 1947; 8:47 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR, Part 204]

RESERVES OF MEMBER BANKS; RESERVE CITY DESIGNATIONS

NOTICE OF PROPOSED CHANGES

The Board of Governors of the Federal Reserve System has under consideration a proposal, the substance of which is outlined below, with respect to the classification of cities as reserve and central reserve cities and the termination of the designation of certain cities as reserve cities:

The cities of New York and Chicago would be classified (and thereby continued) as central reserve cities, and the

following cities would be classified as reserve cities:

(a) Every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank, and in addition Washington, D. C. (thereby continuing such designations); and

(b) (1) Every other city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member banks, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-third of one per cent or more of the aggregate amount of demand deposits owing to banks by all member banks of the Federal Reserve System; and

(2) Every other city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member banks, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-fourth of one per cent or more of the aggregate amount of demand deposits owing to banks by all

member banks of the Federal Reserve System and also equal, on the average, to 33 1/3 per cent or more of the aggregate amount of all demand deposits held by the member banks in such city.

On the basis of paragraphs (b) (1) and (2) above, the following cities would be continued as reserve cities: Columbus, Ohio; Des Moines, Iowa; Indianapolis, Indiana; Milwaukee, Wisconsin; St. Paul, Minnesota; Lincoln, Nebraska; Tulsa, Oklahoma; Wichita, Kansas; Fort Worth, Texas; Cedar Rapids, Iowa; Sioux City, Iowa; the following city would be added as a reserve city: National City (National Stock Yards), Illinois; and the following cities would be terminated as reserve cities: Toledo, Ohio; Dubuque, Iowa; Grand Rapids, Michigan; Peoria, Illinois; Kansas City, Kansas; Pueblo, Colorado; St. Joseph, Missouri; Topeka, Kansas; Galveston, Texas; Waco, Texas; Ogden, Utah; Spokane, Washington.

The proposed effective date for the action is January 1, 1948.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of

procedure of the Board of Governors of the Federal Reserve System. (12 CFR 1946 Supp. 262.2.) The classification of cities as reserve and central reserve cities, and the termination of such designations, are authorized by the Federal Reserve Act, especially section 11 (e) thereof.

Interested persons may submit data, views or arguments with respect to these matters; and such material should be submitted in writing. Although submittals or requests may be sent directly to the Board, it is preferable that they be sent to the Federal Reserve Bank of the district, which will forward them to the Board. To be considered, all material must be received not later than November 24, 1947.

Issued this 21st day of October 1947.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-9495; Filed, Oct. 28, 1947;
8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice No. 45]

KLAMATH PROJECT, PART 2, TULE LAKE DIVISION, OREGON-CALIFORNIA

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER THEREFOR

1. *Public land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be available beginning with the irrigation season of 1948, and thereafter, and that application may be made in accordance with this notice, beginning at 2:00 p. m., October 22, 1947, for entry on public lands in Part 2—Tule Lake Division of the Klamath Project, Oregon-California, as shown on approved farm unit plats on file in the Office of the District Manager, Bureau of Reclamation, Klamath Falls, Oregon, and in the District Land Office at Sacramento, California. These lands are described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Section	Farm unit	Description	Total irrigable acres	Order of selection
		Township 47 North, Range 5 East		
1	A	(Lots 1, 8 and SE 1/4 NE 1/4 (T. 47 N., R. 5 E.) Lot 10	86.7	1
1	B	Lots 2, 7 and SW 1/4 NE 1/4	81.9	2
1	C	Lots 3, 6 and SE 1/4 NW 1/4	84.6	3
1	D	Lots 12 and 15	84.2	4
1	E	Lot 18	72.9	5
1	F	E 1/4 SW 1/4	73.8	6
1	G	W 1/2 SE 1/4	71.4	7
1	H	E 1/2 SE 1/4	72.0	8
2	J	(Lots 4 and 5)	71.4	9
2	A	(Lots 13 and 14)	73.5	10

MOUNT DIABLO MERIDIAN, CALIFORNIA—Con.

Section	Farm unit	Description	Total irrigable acres	Order of selection
2	B	Lot 2 and SE 1/4 NW 1/4	73.4	11
2	C	(Lot 3)	84.0	12
3		Lot 20		
2	D	(SW 1/4 NW 1/4)	86.6	13
3		Lot 22		
2	E	E 1/2 SW 1/4	77.3	14
2	F	W 1/2 SE 1/4	75.5	15
2		(Lots 6 and 7)		
1	K	(Lots 16 and 17)	71.8	16
11		Lots 4 and 5		
12	L	Lot 6	68.8	17
1		Lot 19		
11	A	W 1/2 NE 1/4	75.2	18
11	B	E 1/2 NW 1/4	77.4	19
11	O	W 1/2 NW 1/4	70.2	20
11	D	Lot 2		
11		(NE 1/4 SW 1/4)	91.4	21
11	E	(NW 1/4 SE 1/4)		
11		(Lot 8)		
11		SE 1/4 SW 1/4	80.2	22
11		SW 1/4 SE 1/4		
11	J	(Lots 6 and 7)		
12	A	(Lots 7 and 8)	72.6	23
12	B	E 1/2 NE 1/4	71.2	24
12	C	W 1/2 NE 1/4	70.7	25
12	D	E 1/2 NW 1/4	72.5	26
12	E	Lot 5	72.6	27
12	F	Lot 9	72.5	28
12	G	E 1/2 SW 1/4	77.8	29
12	H	W 1/2 SE 1/4	76.0	30
		E 1/2 SE 1/4	75.4	31

Township 47 North, Range 5 East

Section	Farm unit	Description	Total irrigable acres	Order of selection
35	A	Lots 12 and 13	104.3	32
35	B	(Lots 11 and 14)	113.2	33
34		Lot 9		
34	C	(S 1/2 SW 1/4)	100.6	34
35	D	(Lot 10)		
35	E	W 1/2 SE 1/4	77.5	35
35	F	E 1/2 SE 1/4	73.1	36
36	B	(Lot 3)		
36	C	(W 1/2 SW 1/4)	97.7	37
36	O	Lots 4, 8 and 9	99.2	38
		Township 48 North, Range 6 East		
35	A	Lots 15, 16 and 18	79.0	39
35	B	Lots 6, 10, 17, 20 and 21	84.0	40
35	C	(Lots 15, 16)		
35	D	(Lots 22 and 23)	81.2	41
35	E	(Lots 7, 11, 17, 18, SE 1/4 NW 1/4)	81.1	42
35	F	(Lots 8, 12 and NE 1/4 SW 1/4)	81.8	43
35	G	(Lots 9, 13 and SE 1/4 SW 1/4)	83.8	44

2. *Limit of acreage for which entry may be made or water secured.* The area of public land constituting each farm unit represents the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, and is fixed at the amount shown upon the farm unit plats referred to above.

3. *Preference rights of veterans—(a) Nature of preference.* Pursuant to the provisions of the act of September 27, 1944 (58 Stat. 747), as amended by the acts of June 25, 1946 (Public Law 440, 79th Congress, 2d Session), and May 31, 1947 (Public Law 82, 80th Congress, 1st Session), for a period of 90 days from the opening of these lands to entry, or until January 20, 1948, the lands described in paragraph 1 above will be opened to entry to persons who at the time of making application fall within one of the following classes:

(1) Persons, including persons under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the present war, and are honorably discharged therefrom.

(2) Persons, including persons under 21 years of age, who have served in said Army, Navy, Marine Corps or Coast Guard during such period, regardless of length of service, and are discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, are furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

(3) The spouse of any person in either of the above classes (1) and (2), provided such spouse has the consent of such per-

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son to exercise his or her preference right under said act.

(4) The surviving spouse of any person in either of the above classes (1) and (2), or in the case of the death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and officially accredited at the Department of the Interior.

(5) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in said Army, Navy, Marine Corps or Coast Guard during the above-mentioned period, or in the case of the death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and officially accredited at the Department of the Interior: *Provided, however,* That persons claiming such preferences must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, capital, and physical fitness required of all entrymen and entrywomen under this notice.

(b) *Definition of honorable discharge.* An honorable discharge within the meaning of the act of September 27, 1944, as amended, shall mean:

(1) Separation of the veteran from the service by means of an honorable discharge or a discharge under honorable conditions.

(2) Transfer of the veteran with honorable service from such service to a reserve or retired status prior to the termination of the war, or

(3) Ending of the period of such veteran's war service by reason of the termination of the war, even though the veteran remains in the military or naval service of the United States.

(c) *Submission of proof of veterans' status.* All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified, or authenticated copy of an official document of the respective branch of the service involved which clearly indicates an honorable discharge or transfer to a reserve or retired status or which constitutes evidence of other facts on which the claim for preference is based. Where the preference is claimed by the surviving spouse, or on behalf of the minor child or children, of a deceased veteran, proof of such relationship, of his military service, and of his death must be attached to the application. Where the preference is claimed by the spouse of a living veteran, proof of such relationship, the written consent of such veteran, and proof of his military service as required above must be attached to the application.

4. *Qualifications required by the Reclamation Law.* Pursuant to the provisions of subsection C, section 4, of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433), the following are established as minimum qualifications which, in the opinion of the local examining board, are necessary to insure the success of entrymen or entrywomen on reclamation farm units included under this notice. Applicants must meet these qualifications, as determined by the examining board, in order to be considered for entry. Failure to meet them in any single re-

spect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the minimum required. The minimum qualifications are as follows:

(a) *Character and industry.* The applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation. As part of each application, the applicant shall furnish three separate signed statements regarding the character and industry of the applicant. These statements may be prepared and signed by an ordained minister, any commanding officer under whom the applicant served, a teacher or administrative official of any recognized high school or college, present or previous employer or any comparable individual or official, not a relative, who is personally acquainted with the applicant. The individuals signing these statements may be those listed in paragraph 17 of the farm application blank, referred to in paragraph 6 of this notice.

(b) *Health.* The applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* (1) Farm experience shall be of such a nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods. The applicant must have had a minimum of two years' full-time farm experience after attaining the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture, if deemed by the examining board to be work which would contribute toward successful farm operation, may be substituted for one year of full-time experience: *Provided,* That no more than one year's experience may be credited from such sources. A farm youth having attained the age of 15, who actually resided and worked on a farm while attending school, may credit such part-time experience as equal to 50 percent of full-time experience. All farm experience must have been obtained since October 1, 1932. No advantage will accrue from farming experience on irrigated land.

(2) Applicants must furnish three separate statements each signed either by a Vocational Agricultural teacher, County Agent, Farmers Home Administration County Supervisor, A. A. A. County Chairman, an officer of any local farm organization, or by some other responsible person who has personal knowledge of the applicant's farm experience or has verified it to his satisfaction certifying to the farm experience claimed in paragraph 7 of the farm application blank. Forms to be used by these references accompany each farm application blank.

(3) Women applicants must describe fully the farm activities in which they

have participated and the relation of any agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each applicant must possess at least \$2,000, consisting of cash or assets readily convertible into cash, such as United States Savings Bonds, or assets useful in the operation of a farm, such as livestock, farm machinery and equipment. In addition, each applicant shall furnish, in the space provided in paragraph 11 of the farm application blank, a financial statement listing all of his assets and all of his liabilities, showing a net worth of at least \$2,000. Possession of the minimum net worth requirement of at least \$2,000 must be corroborated by a statement of an official of a bank, or other responsible and reputable private or public credit agency. This corroborative statement may be a separate attachment, or may be inserted at the bottom of page 3 of the farm application blank.

(e) *Restriction regarding lands presently owned on any Federal reclamation projects.* In addition, in order to qualify for entry on project lands, applicants must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project lands will be made to determine eligibility of applicants before awards of farm units are made.

5. *Principal qualifications required by homestead laws.* The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Entrywomen who are married must be heads of families; this requirement of the homestead law was not affected by the act of September 27, 1944 (58 Stat. 747), as amended. Entrymen and unmarried entrywomen must be 21 years of age or the head of a family, except that such minimum age requirement is not applicable to entrymen or unmarried entrywomen who have served in the Army, Navy, Marine Corps or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the present war and are honorably discharged. Any applicant who is required to be the head of a family must submit proof of such status with his or her application. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

6. *When, where, and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire one of the public land units described in this notice must fill out the attached farm application blank.¹ Additional application blanks may be obtained from the District

¹ Not filed with the Division of the Federal Register.

Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon; Regional Director, Bureau of Reclamation, P. O. Box 2511, Sacramento 10, California, or the Commissioner, Bureau of Reclamation, Washington 25, D. C. Each question on the farm application blank must be answered completely, with the exception that preference choice of farm units need not be listed in the space provided on page 1.

(b) *Filing of applications and proofs.* An application for a farm unit listed in paragraph 1 of this notice must be filed with the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, in person or by mail. No advantage will accrue to an applicant who presents his or her application in person. Such an application must be accompanied by:

(1) Proof of veteran's status if veterans' preference is claimed; see above, paragraph 3 (c).

(2) Three statements as to character and industry; see above, paragraph 4 (a).

(3) Statement of examining physician, in case of disability; see above, paragraph 4 (b).

(4) Three statements corroborating the farm experience claim; see above, paragraph 4 (c) (2).

(5) Corroboration of capital assets; see above, paragraph 4 (d).

(6) Proof of status as head of a family if applicant is a married woman veteran, or a non-veteran under the age of 21; see above paragraph 5 (d).

(c) *Priority of applications.* All applications filed for the public land farm units listed in this notice will be classified for priority purposes as follows and considered in the following order:

(1) *First Priority Group.* All applications filed prior to 2:00 p. m., January 20, 1948, which are accompanied by proof sufficient in the opinion of the board to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(2) *Second Priority Group.* All applications filed prior to 2:00 p. m., January 20, 1948, from applicants without veterans' preference or which are not accompanied by proof sufficient in the opinion of the board to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(3) *Final Priority Group.* All applications filed after 2:00 p. m., January 20, 1948, whether or not accompanied by proof relative to veterans' preference. Such applications will be considered in the order in which they are filed, if any farm units become available for assignment to applicants within this group.

(d) *Applications cannot be returned.* Each application submitted, including substantiating and supporting data, becomes a part of the permanent records of the Bureau of Reclamation and cannot be returned to the applicant.

7. *Selection of qualified applicants—* (a) *Examining board.* An examining board of three members has been approved by the Commissioner of Reclamation to consider the fitness of each appli-

cant to undertake the development and operation of a farm on the Klamath Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in this notice.

(b) *Basis of examination.* The examining board will determine the eligibility for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924. As stated above in paragraph 4, applicants will be judged on the basis of character, industry, farming experience, and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the board, possess the health and vigor to engage in farm work. Any falsification or fraudulent misrepresentation shall constitute ground for the disqualification of the applicant, the rejection of his application, the cancellation of his award, and/or the cancellation of his entry.

(c) *Procedure—(1) Preliminary examination.* If an applicant fails to make a *prima facie* case, that is, if an examination of his application discloses that he is not qualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of such rejection and the reasons therefor, and of his right to appeal in writing to the Regional Director, Region II, Bureau of Reclamation. Such written appeals must be filed within ten (10) days from the receipt of such notice with the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, who will forward them promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the examining board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application by the examining board. The Regional Director's decision on all appeals shall be final.

(2) *Selection of applicants.* After the expiration of the appeal periods fixed by the above-mentioned notices, and in the absence of any pending appeals, the examining board shall conduct a public drawing from the names of the remaining applicants in the First Priority Group, as defined in paragraph 6 (c). Qualified applicants need not be present at the drawing in order to participate therein. A total of 88 names (twice the number of public land farm units to be awarded) shall be drawn and numbered consecutively. The applicants whose names are so drawn may be closely investigated by the board to determine the authenticity and reliability of the information and proofs offered by them. This investigation may include a personal appearance before the board, if the board determines that this is necessary; should any applicant fail to comply with the board's request for a personal appearance, such failure shall constitute ground for rejection of his application. Any applicant, whose application is rejected by the board as a result of such investigation, shall be

given notice of such rejection, setting forth the reasons therefor and advising the applicant of his right to appeal in writing to the Regional Director. The provisions of paragraph 7 (c) (1) relative to appeals shall be applicable to any such appeal, except that where any such appeal is decided by the Regional Director in favor of the applicant such applicant shall retain the number assigned to him at the time of the drawing.

After the expiration of all appeal periods fixed by notices given as above-provided, and in the absence of any pending appeals, those applicants whose applications remain unrejected and who hold the 44 lowest numbers assigned at the drawing, exclusive of those numbers assigned to rejected applications, shall be selected by the examining board as the successful applicants. The balance of the 88 applicants whose applications remain unrejected shall be selected by the board as alternates. The board shall thereupon notify each successful applicant and each alternate of his selection and of his respective standing. The board shall thereupon notify all other remaining applicants that farm units will not become available to them, except pursuant to subparagraph 7 (c), (3) (b) below.

(3) *Awarding of farm units.* (a) Upon the completion of any action which may become necessary by reason of any notices given, the examining board shall award farm units in accordance with order of selection numbers assigned such units to the above-mentioned 44 successful applicants in the order in which their names are drawn without regard to preferences indicated by applicants for specific farm units or otherwise. Each applicant to whom a farm unit has been awarded will be notified of that fact by the board. Each such applicant shall have no right of entry for any other farm unit. If any such applicants fail to make application for homestead entry in conformity with the provisions of paragraph 9 below or to comply with the other applicable requirements set out in said paragraph, the farm units awarded to them shall be awarded to alternates in the order in which their names were drawn and subject to the same conditions and requirements as the original awards. The alternate with the lowest number as assigned under the provisions of paragraph 7 (c) (2) shall take the place of the lowest numbered applicant among the first 44 who fails to make application for homestead entry or disqualifies by failure to comply with the other requirements set forth in paragraph 9 below; and the alternate with the second lowest number shall take the place of the second lowest numbered applicant who fails to make application for homestead entry or comply with the other requirements. The same procedure shall continue to apply until all farm units have been awarded.

(b) The foregoing procedure shall continue until all farm units are finally disposed of to unrejected applicants in the First Priority Group whose names have been drawn and whose applications have been closely investigated as provided herein. If units still remain to be

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awarded after all applications in the First Priority Group have been processed, the foregoing procedure shall be applied in the processing of applications in the Second Priority Group. If units still remain to be awarded after all applications in the Second Priority Group have been processed, the foregoing procedure shall be applied in the processing of applications in the Final Priority Group, except that the board shall consider such applications in the order in which they are filed in lieu of conducting a drawing with reference thereto.

(4) *Delivery of notices.* All notices given to applicants pursuant to the provisions of paragraph 7 (c) and subparagraphs thereunder shall be in writing and shall be delivered to the respective applicants personally or sent to them by registered mail with return receipt requested.

8. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

9. *Payment of charges and filing of homestead applications.* After the 44 successful applicants have been selected, they shall be so notified by the examining board, and with such notice the examining board shall enclose a water rental application for the farm unit awarded which must be executed by the applicant and returned to the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, within ten (10) days from receipt thereof, together with the payment of the minimum water rental charge as specified in paragraph 10 (a) hereof. Upon receipt of water rental application and payment of the amount due thereon, the examining board shall furnish each applicant a certificate stating that his qualifications to enter public lands as required by subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by the examining board. Such certificate must be attached by the applicant to his homestead application which application must be filed at the District Land Office of the Bureau of Land Management, Sacramento, California. Such homestead application must be filed within thirty (30) days from the date of the receipt by the applicant of said certificate. Failure to pay the water rental charge or to make application for homestead entry within the periods specified herein will render the application subject to rejection, in which event the examining board will select the next listed alternate.

10. *Charges payable by all water users.* The Reclamation Law provides that except during a "development period" fixed by the Secretary of the Interior water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction costs which are allocated to such irrigated lands. Pursuant to section 2 (j) and 7

(b) of the Reclamation Project Act of 1939, (53 Stat. 1187) lands described in paragraph 1 of this public notice are hereby designated a development unit. The maximum development period for the lands so designated is fixed at a period of four years from and including the first year in which water is delivered; *Provided*, That such period may be reduced by supplemental notice should the Secretary determine that the full four-year period is not reasonably necessary. Before the end of the development period, all lands described in said paragraph 1, must, therefore, be included within an organization of the type described and such organization must execute a contract covering the repayment of the construction costs allocated to such lands.

(a) *Charges payable before execution of the repayment contract.* (1) The minimum water rental charge for the irrigation season of 1948 and thereafter until further notice shall be three dollars (\$3.00) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will entitle the entryman to two and one half (2½) acre-feet of water per irrigable acre. Payment of this charge for the irrigation season of 1948 shall be made at the time of filing water rental applications.

(2) Additional water will be furnished during the 1948 irrigation season and thereafter until further notice up to a limit of three and one half (3½) acre-feet per irrigable acre at the rate of fifty cents (\$0.50) per acre-foot and all further quantities at seventy-five cents (\$0.75) per acre-foot. Charges for the additional water are to be paid on or before December 1 of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

(3) In the event any applicant does not receive notice of the award of a farm unit until after June 15, 1948, payment shall be a minimum charge of three dollars (\$3.00) per acre, which payment shall apply as a credit on the minimum charge for the following irrigation season.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Klamath Falls, Oregon. Future charges will be announced by future order or public notice.

(b) *Charges payable after execution of the repayment contract.* Subsequent to the execution of the repayment contract, and in accordance with the terms thereof, water users will pay an annual charge per acre to meet operation and maintenance costs and to repay to the government that portion of the construction costs allocated to Part 2, Tule Lake Division. On the date of issue of this public notice, it is impracticable to determine (1) the total construction cost of Part 2, Tule Lake Division distributary system; (2) the allocation of costs to Part 2, Tule Lake Division of the Klamath Federal Reclamation Project, and (3) the ultimate water-service area of the Division. Accordingly, no exact statement as to the total and per acre

construction charge to be made against the lands opened in this public notice is practicable. When the total construction charge has been determined and allocated by the Secretary of the Interior, and a repayment contract negotiated with the irrigation district, a supplementary notice announcing the total and per acre charges will be issued.

11. *All land to be included in irrigation district.* Each water rental application for land covered by this public notice shall be made on Form 7-289 and the following clause shall be inserted at the bottom of said form:

I agree to the inclusion of my land in an irrigation district and I agree also to participate in the organization of an irrigation district at the earliest practicable date.

12. *Reservation of rights-of-way for county, state, and Federal highways and access roads.* Rights-of-way are reserved for county, state and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats.

13. *Reservation of rights-of-way for public-owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

14. *Effect of relinquishment.* In the event that any entry of public land made hereunder shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, the land so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the District Land Office. Applications conforming to the requirements of this public notice may be filed for a period of 15 days after the expiration of said 60-day period. Such applications will be considered and processed and awards made pursuant to the provisions of paragraphs 7 and 9 of this public notice.

15. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise the homestead applications will be rejected or homestead entry or entries canceled.

16. *Flood hazard.* The lands to be entered are reclaimed lands lying in the former bed of Tule Lake and may be subject to flooding and inundation during extremely wet years. The Bureau of Reclamation is now engaged in the construction of additional works which, when completed, will provide reasonable flood protection. Settlers are warned, however, that in case of extreme runoff resulting in the flooding of any of the lands, the government assumes no re-

sponsibility for damage to persons or property caused by such flooding.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.
OCTOBER 8, 1947.

[F. R. Doc. 47-9488; Filed, Oct. 23, 1947;
8:46 a. m.]

YOLO-SOLANO PROJECT, CALIFORNIA
FIRST FORM RECLAMATION WITHDRAWAL
SEPTEMBER 9, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

YOLO-SOLANO PROJECT

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 N., R. 2 W.,
Sec. 19, N $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 9 N., R. 4 W.,
Sec. 3, Lots 2, 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 4, Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 6, Lots 3 to 7, inc., SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 7, Lot 1.
T. 10 N., R. 4 W.,
Sec. 19, N $\frac{1}{2}$ of Lot 7, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$
and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, Lot 4 and N $\frac{1}{2}$ of Lot 8;
Sec. 31, Lots 4, 5, S $\frac{1}{2}$ of Lot 7; Lot 8,
W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
and SE $\frac{1}{4}$.
T. 10 N., R. 5 W.,
Sec. 2, Lots 5, 6, E $\frac{1}{2}$ of Lot 7, E $\frac{1}{2}$ of Lot 8,
and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 13, Lots 1, 2 and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 11 N., R. 5 W.,
Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 13 N., R. 5 W.,
Sec. 18, Lot 1 and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, Lots 2, 3, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ and
E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$;
Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and
N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 11 N., R. 6 W.,
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 12 N., R. 6 W.,
Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 13 N., R. 6 W.,
Sec. 5, Lots 3 and 4;
Sec. 10, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;
Sec. 12, Lot 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and
SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, Lots 2, 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and
W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 14 N., R. 6 W.,
Sec. 5, Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 15 N., R. 6 W.,
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 21, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$;
Sec. 32, W $\frac{1}{2}$;

Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$.

The above areas aggregate 8,721.57 acres.

WESLEY R. NELSON,
Acting Commissioner.

OCTOBER 2, 1947.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of September 9, 1947, withdrawing certain public lands, for use in connection with the Yolo-Solano Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY D. NELSON,
Acting Commissioner,
Bureau of Reclamation.

[F. R. Doc. 47-9490; Filed, Oct. 23, 1947;
8:47 a. m.]

MOUNTAIN HOME PROJECT, IDAHO
FIRST FORM RECLAMATION WITHDRAWAL
AUGUST 25, 1947.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935 establishing Idaho Grazing District No. 1 be modified and made subject to the withdrawal effected by this order.

MOUNTAIN HOME PROJECT
BOISE MERIDIAN, IDAHO

T. 1 S., R. 4 E.,
Sec. 28, N $\frac{1}{2}$.
T. 2 S., R. 4 E.,
Sec. 2, S $\frac{1}{2}$;
Sec. 3, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The above areas aggregate 902.10 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur: September 30, 1947.

FRED W. JOHNSON,
Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

WILLIAM E. WARNE,
Assistant Secretary.

OCTOBER 10, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of October 10, 1947, withdrawing certain public lands for use in connection with the Mountain Home Project, Idaho, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any obligation is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MICHAEL W. STRAUS,
Commissioner, Bureau of Reclamation.

[F. R. Doc. 47-9489; Filed, Oct. 23, 1947;
8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1972]

PAN AMERICAN AIRWAYS, INC.; JUNEAU-KETCHIKAN RESTRICTION

NOTICE OF ORAL ARGUMENT

In the matter of the application of Pan American Airways, Inc., for amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on November 17, 1947, at 10 a. m., eastern standard time, in Room 5042, Commerce Building, 14th and Constitution Ave. NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 20, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9519; Filed, Oct. 23, 1947;
8:46 a. m.]

NOTICES

[Docket No. 2346]

TRANSCONTINENTAL & WESTERN AIR, INC.,
AND DELTA AIR LINES, INC.NOTICE OF POSTPONEMENT OF ORAL ARGU-
MENT

In the matter of the joint application of Transcontinental & Western Air, Inc., and Delta Air Lines, Inc., for approval of the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-indicated proceeding, originally assigned to be heard October 23, 1947, is hereby postponed until November 10, 1947, 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW, Washington, D. C., before the Board.

Dated at Washington, D. C., October 20, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9518; Filed, Oct. 23, 1947;
8:46 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

ASSOCIATED BROADCASTERS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on Wednesday, October 29, 1947, the Commission will hear oral argument in Room 6121 of the offices of the Commission in Washington, D. C., on the following matters in the order indicated:

1st Argument

7835, B4-ALH-6, B4-AL-538; WABW and WBBW; Associated Broadcasters, Inc. (assignor), Indianapolis, Ind., Evansville On The Air, Inc. (assignee); for voluntary assignment of license.

7836, B4-ALH-6, B4-AL-538; WABW and WBBW; Radio Indianapolis, Inc. (assignee), Indianapolis, Ind., Associated Broadcasters, Inc. (assignor); for voluntary assignment of license.

2d Argument

7945, B3-P-5016; new; George Johnston & George Johnston, Jr., d/b as Johnston Broadcasting Co., Birmingham, Ala.; 850 kc. 1 kw.¹ 5 kw.-LS unlimited.

7946, B3-P-5332; WTNB; Thomas N. Beach, Birmingham, Ala.; 850 kc. 1 kw.¹ 5 kw.

Dated: October 14, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9496; Filed, Oct. 23, 1947;
8:46 a. m.]

¹DA-N.

[Docket No. 7646]

PATRICK JOSEPH STANTON

ORDER CONTINUING ORAL ARGUMENT

In re application of Patrick Joseph Stanton, Philadelphia, Pennsylvania, for construction permit. Docket No. 7646, File No. BPH-967.

The Commission having under consideration a petition filed October 6, 1947, by Patrick Joseph Stanton, requesting a continuance of oral argument presently scheduled for October 10, 1947, on his exceptions to the Commission's proposed decision, adopted June 12, 1947, continuing Petitioner's above-entitled application in a hearing status;

It appearing, that petitioner's application was heard in a consolidated proceeding on September 9-12, and November 21, 1946; that the Commission adopted a proposed decision on June 12, 1947, continuing petitioner's said application in a hearing status because it could not determine at the time whether petitioner was financially qualified to construct and operate the FM station proposed in its above-entitled application; and that petitioner intends to file a petition requesting that the record be reopened for the introduction of new evidence which would establish petitioner's financial qualifications to construct and operate its proposed station;

It is ordered, This 10th day of October 1947, that the instant petition be, and it is hereby granted; and that the oral argument scheduled for October 10, 1947, on petitioner's exceptions to the said proposed decision adopted June 12, 1947, be, and it is hereby, continued to a time to be designated subsequently by the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9507; Filed, Oct. 23, 1947;
8:47 a. m.]

[Docket Nos. 7813, 8227]

PERTH AMBOY BROADCASTING CO. AND
UNION BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of James Stolcz, d/b as Perth Amboy Broadcasting Company, Perth Amboy, New Jersey, Docket No. 7813, File No. BP-5101; Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; for construction permits.

The Commission having under consideration the above-entitled applications of Perth Amboy Broadcasting Company, Perth Amboy, New Jersey, and Union Broadcasting Company, Elizabeth, New Jersey, for construction permits;

It appearing, that the said applications have been designated for hearing in a consolidated proceeding which is scheduled to be heard on October 30 and 31, 1947, at Perth Amboy and Elizabeth, New Jersey, respectively; and

It further appearing, that the public interest, convenience and necessity would be served by continuing the said date of hearing to November 24 and 25, 1947;

It is ordered, This 10th day of October, 1947, on the Commission's own motion, that the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday and Tuesday, November 24 and 25, 1947, at Perth Amboy, New Jersey, and Elizabeth, New Jersey, respectively.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9505; Filed, Oct. 23, 1947;
8:47 a. m.]

[File Nos. 8140, 8141]

W. W. ROARK AND COLEMAN BROADCASTING
CO.

ORDER CONTINUING HEARING

In re applications of W. W. Roark, Coleman, Texas, Docket No. 8140; File No. BP-5527; Coleman Broadcasting Company, Coleman, Texas, Docket No. 8141; File No. BP-5794; for construction permits.

The Commission having under consideration a petition filed October 16, 1947, by W. W. Roark, Coleman, Texas, and Coleman Broadcasting Company, Coleman, Texas, requesting that the hearing on the above-entitled applications now scheduled at Coleman, Texas, on October 27, 1947, be continued to the end of the Commission's present hearing calendar (April, 1948);

It is ordered, This 17th day of October 1947, that the instant petition be, and it is hereby granted in part; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., November 14, 1947, at Coleman, Texas.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9500; Filed, Oct. 23, 1947;
8:46 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827; for construction permit.

The Commission having under consideration the above entitled application of Woodward Broadcasting Company, Detroit, Michigan, for construction permit;

It appearing, that the said application has been designated for hearing in a proceeding which is scheduled to be heard on October 20, 1947, at Washington, D. C.; and

It further appearing, that the public interest, convenience and necessity would be served by continuing the said date of hearing to December 10, 1947, and that counsel for the applicant has consented thereto;

It is ordered, This 10th day of October 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, December 10, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9506; Filed, Oct. 23, 1947;
8:47 a. m.]

[Docket Nos. 8176, 8177, 8265]

TERRELL BROADCAST CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Terrell Broadcast Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; Burton V. Hammond, Jr., Denison, Texas, Docket No. 8177, File No. BP-5786; Conn and Cope, d/b as Denison-Texoma Broadcasting Company, Denison, Texas, Docket No. 8265, File No. BP-5463; for construction permits.

The Commission having under consideration a joint petition filed October 7, 1947, by Burton V. Hammond, Jr., Denison, Texas, and Conn and Cope, d/b as Denison-Texoma Broadcasting Company, Denison, Texas, requesting an approximately 60-day continuance of the hearing in the consolidated proceeding on their above-entitled applications for construction permits, scheduled to be held at Denison, Texas, and Terrell, Texas, on October 22, 23, and 24, 1947;

It appearing, that counsel for Terrell Broadcast Corporation, Terrell, Texas, has consented to a grant of the instant petition, and that the continuance requested would serve the public interest, convenience and necessity;

It is ordered, This 10th day of October 1947, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, December 17, 1947.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9501; Filed Oct. 23, 1947;
8:46 a. m.]

[Docket No. 8280]

CHARGES FOR COMMUNICATIONS SERVICE
BETWEEN UNITED STATES AND OVERSEAS
AND FOREIGN POINTS

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of October 1947;

The Commission, having under consideration its report and order herein

dated July 30, 1947, authorizing certain increases in charges for telegraph communications service to various overseas and foreign points, and also having under consideration petitions for reconsideration of such report and order filed by Tropical Radio Telegraph Company; Commercial Pacific Cable Company; RCA Communications, Inc.; and jointly by All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company;

It appearing, that each of the above-named petitioners requests the Commission to authorize further increases in the aforementioned charges;

It further appearing, that, on or about August 5, 1947, the above-named petitioners and other respondents herein instituted most of the increased charges authorized by the aforementioned report and order of July 30, 1947;

It further appearing, that actual operating results under the new increased charges are not shown in the petitions, and that actual operating results for a reasonable period of time under these new charges are required in order better to evaluate the effect of such increased charges on the revenues of the petitioners;

It is ordered, That the proceeding herein is reopened for the purpose of further hearings;

It is further ordered, That, without in any limiting the scope of the further hearings in this proceeding of general investigation, the evidence to be presented at the hearings shall include the following matters:

(1) The operating results for each of the months, August, September, and October, 1947, and for each of the previous months in 1947 for which operating results are not contained in the record;

(2) The revenue effects of the outbound and inbound rate increases, respectively, which have been put into effect since July 30, 1947, shown separately for each of the months of August, September, and October, 1947;

(3) The extent and status of the negotiations by respondents with their foreign correspondents regarding increases in inbound rates;

(4) The effect on the revenues of each respondent, on the basis of actual operating results in September, 1947, of a change in rates predicated upon a change of one cent per full rate word for messages to each country served directly or indirectly by the respective respondents; and, separately, similar information with respect to press messages.

(5) The increases or decreases in operating expenses which have occurred since the previous presentations by respondents herein, and the reasons therefor;

(6) A forecast of operating results, including trends of traffic, operating revenues and expenses, for a 12-month period under the present charges, and the basis for such forecast;

(7) The basic financial data, including earnings, operating expenses, gross and net book cost of plant and equipment, and the amount of working capital requirement, brought up to date as of the latest possible date;

(8) Any other evidence indicating whether or not any different charges for communications services should be established than those authorized by the Commission in its report and order of July 30, 1947, herein;

It is further ordered, That the hearings herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 24th day of November 1947;

It is further ordered, That a Board consisting of Commissioners Paul A. Walker, C. J. Durr, and Robert F. Jones, or one or more members thereof, with Commissioner Walker to act as Chairman of said Board, are authorized to preside at the hearings, and otherwise to conduct the proceedings herein;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9502; Filed, Oct. 23, 1947;
8:46 a. m.]

[Docket Nos. 8344, 8402, 8403]

FOSS LAUNCH AND TUG CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Foss Launch and Tug Company, Seattle, Washington, Docket No. 8344, File No. 709/710-PE-B; Meseck Towing Lines, Inc., New York, New York, Docket No. 8402, File No. 7662/7663-PE-B; Moran Towing & Transportation Co., New York, New York, Docket No. 8403, File No. 9730/9731-PE-B; for construction permits in the experimental service.

The Commission having under consideration the consolidated hearing in the above-entitled matter scheduled for November 3, 1947, and in that connection having before it a petition dated October 6, 1947 by Foss Launch and Tug Company requesting a continuance of said consolidated hearing to a date not sooner than December 15, 1947;

It is ordered, This 17th day of October 1947, that the instant petition is granted and that the consolidated hearing in the above-entitled matter be continued until December 15, 1947, at 10:00 a. m.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9497; Filed, Oct. 23, 1947;
8:46 a. m.]

[Docket No. 8512]

THOMAS PATRICK, INC. (KWK)

ORDER REOPENING HEARING

In re application of Thomas Patrick, Incorporated (KWK), St. Louis, Missouri, Docket No. 8512, File No. BP-4843; for construction permit.

The Commission having under consideration the above-entitled application of Thomas Patrick, Incorporated (KWK),

St. Louis, Missouri, for construction permit, which is presently scheduled to be heard at Washington, D. C., on March 29, 1948;

It appearing, that the public interest, convenience and necessity would be served by advancing the hearing date to Wednesday, December 17, 1947;

It is ordered, This 17th day of October 1947, on the Commission's own motion, that the date of hearing on the above-entitled application be, and it is hereby, advanced to 10:00 a. m., Wednesday, December 17, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9499; Filed, Oct. 23, 1947;
8:46 a. m.]

[Docket No. 8517]

SUPREME BROADCASTING SYSTEM, INC.
(WJMR)

ORDER CONTINUING HEARING

In re application of Supreme Broadcasting System, Inc. (WJMR), New Orleans, Louisiana, Docket No. 8517, File No. BML-1260; for modification of license.

The Commission having under consideration a petition filed October 13, 1947, by Supreme Broadcasting System, Inc. (WJMR), New Orleans, Louisiana, requesting a 60-day continuance of the hearing on its above-entitled application for modification of license now scheduled for November 5, 1947, at Washington, D. C.;

It is ordered, This 17th day of October, 1947, that the petition be, and it is hereby granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, December 22, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9498; Filed, Oct. 23, 1947;
8:46 a. m.]

[Docket No. 8536]

STATION WWPN

ORDER REVOKING CONSTRUCTION PERMIT

In the matter of the revocation of construction permit of Station WWPN, Middlesboro, Kentucky.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of October 1947;

The Commission having under consideration (1) the record made at the hearing held April 1 and 2, 1946, on the application (File No. BP-4501; Docket No. 7420) of E. P. Nicholson and John Wallbrecht, a partnership d/b as Pinnacle Broadcasting Company and that of Cumberland Gap Broadcasting Company (BP-4203; Docket No. 7001); (2) the joint affidavit of the aforementioned partners submitted for the purpose of correcting certain portions of their tes-

NOTICES

timony at the hearing; (3) the affidavit of Floyd Ball which is concerned with the said testimony of these partners; (4) petition filed by Cumberland Gap Broadcasting Company requesting the Commission to issue an order to show cause why the construction permit granted to Pinnacle Broadcasting Company should not be revoked and that petitioner's application be reinstated; (5) the opposition to said petition filed by Pinnacle Broadcasting Company; and (6) the reply of petitioner to said opposition; and

It appearing, that the Commission, upon consideration of the record made at the hearing on the above applications, published a final decision on January 9, 1947, granting the application of Pinnacle Broadcasting Company and denying that of Cumberland Gap Broadcasting Company; and

It further appearing, as admitted in the aforementioned affidavits, that the partners E. P. Nicholson and John Wallbrecht in their said application and at the hearing thereon misrepresented to the Commission the facts and circumstances surrounding the filing of their application and the financial arrangements in connection therewith; and had the Commission been aware of such misrepresentations at the time of the granting of the application, it would have been warranted in denying said application.

It further appearing, that the application of Cumberland Gap Broadcasting Company which was denied in favor of the application of Pinnacle Broadcasting Company should receive further consideration by the Commission in the light of the foregoing matters.

It is ordered, Pursuant to section 312 (a) of the Communications Act of 1934, as amended, that the construction permit which authorized E. P. Nicholson and John Wallbrecht, a partnership d/b as Pinnacle Broadcasting Company to construct and operate Station WWPN, be, and it is, hereby revoked, effective 12:00 p. m. eastern standard time, November 13, 1947. Pursuant to the provisions of said section, written application may be made to the Commission on or before November 11, 1947, for a hearing upon this order, and upon the filing of such written application this order of revocation shall stand suspended until the conclusion of said hearing.

It is further ordered, That the application (File No. BP-4203; Docket No. 7001) of Cumberland Gap Broadcasting Company be, and it is hereby, reinstated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-9503; Filed, Oct. 23, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6095]

ARK-LA ELECTRIC COOPERATIVE, INC.,
ET AL.

NOTICE OF APPLICATION

OCTOBER 21, 1947.

In the matter of Ark-La Electric Cooperative, Inc., The Arkahoma Corpora-

tion, Southwestern Gas and Electric Company, Arkansas Power and Light Company, and Oklahoma Gas and Electric Company; Docket No. IT-6095.

Notice is hereby given that on October 21, 1947, a joint application was filed, pursuant to section 203 of the Federal Power Act by Ark-La Electric Cooperative, Inc. (Ark-La), a cooperative, non-profit membership corporation, organized under the laws of the State of Louisiana and doing business in the States of Arkansas and Oklahoma, and The Arkahoma Corporation (Arkahoma), and Southwestern Gas and Electric Company (Southwestern), and Arkansas Power and Light Company (Arkansas), and Oklahoma Gas and Electric Company (Oklahoma) seeking an order authorizing the sale by Ark-La and the acquisition by Arkahoma and the lease and the acquisition of the leasehold interest by Southwestern, Arkansas and Oklahoma from Arkahoma of all of the electric properties and facilities of Ark-La consisting of a 154 KV transmission line from Markham's Ferry, Oklahoma, to Lake Catherine, Arkansas, and substation facilities located at Markham's Ferry, Oklahoma, and Lake Catherine, Arkansas. The consideration to be paid by Arkahoma to Ark-La for the latter's electric properties and facilities the application states, is \$3,800,000 in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard and make any protest with reference to said application should, on or before the 10th day of November 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-9494; Filed, Oct. 23, 1947;
8:47 a. m.]

[Docket No. G-889]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME FOR FILING
EXCEPTIONS TO INITIAL DECISION

OCTOBER 17, 1947.

Upon consideration of motion filed on October 13, 1947, by Counsel for National Coal Association for additional time to file exceptions to the initial decision in this matter;

Notice is hereby given that, pursuant to the authority vested in my by § 01.4 (a) of the Commission's general rules (18 CFR 01.4), an extension of time to and including October 30, 1947, is hereby granted within which to file exceptions to the initial decision in this proceeding.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-9477; Filed, Oct. 23, 1947;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 319]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill. (CNW), October 14, 1947, by Gwinn, White & Prince, of car IC 50336, apples, now on the CNW to Victor Joseph Co., New York City (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-9484; Filed, Oct. 23, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 320]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill. (CNW), October 14, 1947, by Gwinn, White & Prince, of car FGE 35192, apples, now on the CNW to Justman Frankenthal, New York City (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-9485; Filed, Oct. 23, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 321]

RECONSIGNMENT OF POTATOES AT SOMERVILLE, MASS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Somerville, Mass., October 13, 1947, by Maine State Potato Co., of car SFRD 3092, potatoes, now on the B&M to Charlestown, Mass., A. B. Cohen Co. (B&M).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of October 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-9486; Filed Oct. 23, 1947;
8:46 a. m.]

[S. O. 396, Special Permit 322]

RECONSIGNMENT OF GREEN CORN AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., October 14, 1947, by Chas. C. Palermo, of car PFE 30296, green corn, now on the CB&Q to L. Friedlander, Cincinnati, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of October 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-9487; Filed, Oct. 23, 1947;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1627]

COLUMBIA GAS & ELECTRIC CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 16th day of October 1947.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its subsidiary, The Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9 and 10 thereof, with respect to the following transaction:

Manufacturers proposes to issue and sell to Columbia \$6,000,000 principal amount of 3 1/4% instalment promissory notes, such notes to be unsecured and non-negotiable and will be due in equal annual instalments on August 15 in each of the years 1950 to 1974, inclusive. The proceeds of such sale are to be used for the purpose of financing a major portion of the expense of an over-all construction program initiated in 1946, estimated to require an aggregate of \$9,000,000 through 1947. Of this amount, \$1,000,000 was obtained from the issuance and sale of notes in December 1946 (see Holding Company Act Release No. 7062). In this connection, the Pennsylvania Public Utility Commission, by order dated December 9, 1946, authorized the issuance of an aggregate of \$7,000,000 principal amount of notes as described above, subject to a stipulation that 20 days prior to the issuance of any such notes notice would be given to that commission, such notice to include information concerning the construction program. Applicants state that notification of the proposed issuance and sale of the \$6,000,000 principal amount of 3 1/4% notes was filed with the Pennsylvania Public Utility Commission on September 17, 1947, and that the twenty-day notification period provided by the security certificate has now expired without further action by the Pennsylvania Public Utility Commission.

Said joint application having been filed on September 17, 1947, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that the joint application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that

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the aforesaid joint application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-9480; Filed, Oct. 23, 1947;
8:45 a. m.]

DEPARTMENT OF JUSTICE
Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9888]

HENRY HOLL

In re: Stock owned by Henry Holl.
F-28-23306-D-1/2.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Holl, whose last known address is Weilheim A-Teck, Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of \$5 par value class A capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number AO-1591, registered in the name of Henry Holl, together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of \$10 par value preferred capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number PO-926, registered in the name of Henry Holl, together with all declared and unpaid dividends thereon, and

c. Thirty (30) shares of \$5 par value common capital stock of Memphis Natural Gas Company, Sterick Building, Memphis, Tennessee, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 5412 and 3889 for twenty (20) and ten (10) shares respectively, registered in the name of Henry Holl, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9510; Filed, Oct. 23, 1947;
8:47 a. m.]

[Vesting Order 9894]

MRS. PAULA WESTE

In re: Stock owned by Mrs. Paula Weste. F-28-26941-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Paula Weste, whose last known address is Goethestrasse, 45-A Berlin, Zehlendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One half ($\frac{1}{2}$) interest in those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Certificate numbers	Par value	Type of stock	Registered owner
The Chesapeake & Ohio Railway Co., Richmond, Va. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N. Y.	Virginia	32	0308689	\$25	Common	Egger & Co.
General Foods Corp., 250 Park Avenue, New York 17, N. Y.	New York	100	C25900	No par	do	Do.
Montreal Light Heat & Power Consolidated, 360 St. James Street West, Montreal, Canada.	Delaware	50	0322932	do	do	Do.
Pacific Lighting Corp., 810 South Flower Street, Los Angeles 14, Calif.	Quebec	50	0355366	do	do	Do.
Southmount Investment Co., Ltd., Montreal, Canada.	California	40	NC020216	do	do	Do.
Pittston Co., 77 River Street, Hoboken, N. J.	California	100	NC020130	do	do	Do.
	California	100	41312	do	do	Do.
	California	100	41386	do	do	Do.
	California	70	285533	do	do	Do.
	California	25	NV076282	do	do	Do.
	California	50	53462	do	do	Do.
	California	65	66107	do	do	Do.
	California	50	48780	do	do	Lee & Co.
	California	50	28642	do	do	Dominick & Dominick P/A.
	California	25	29318	do	do	Do.
	California	100	34097	do	do	Egger & Co.
	California	100	34098	do	do	Do.
	California	70	34079	do	do	Do.
	Delaware	.80	72821	\$1	Scrip (common)	Bearer Form.

[F. R. Doc. 47-9511; Filed, Oct. 23, 1947; 8:48 a. m.]

[Vesting Order 9994]

DOROTHEE (DORA) WEGMEIER

In re: Estate of Dorothee (Dora) Wegmeier, deceased. File D-28-10241; E. T. sec. 14594.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Wegmeier and Marie Behrens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs (names unknown) of Frederick Wegmeier and the heirs (names unknown) of Marie Behrens, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the estate of Dorothee (Dora) Wegmeier, deceased, and in and to the trust under the will of Dorothee (Dora) Wegmeier, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by R. F. Montgomery, as Executor and Trustee, acting under the judicial supervision of the Probate Court of Jackson County, Kansas;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs (names unknown) of Frederick Wegmeier and the heirs (names unknown) of Marie Behrens are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9512; Filed, Oct. 23, 1947; 8:48 a. m.]

[Dissolution Order 64]

KOENIG & BAUER, INC.

Whereas, by Vesting Order Number 5634, dated January 11, 1946, (11 Fed. Reg. 2230, March 5, 1946), there were vested all the issued and outstanding shares of the capital stock of Koenig & Bauer, Inc., a New York corporation; and

Whereas, by Vesting Order Number 9659, dated August 15, 1947, (12 F. R. 5828, August 29, 1947), there was vested a certain debt or other obligation owed by Koenig & Bauer, Inc. to Koenig & Bauer, A. G., Wurzburg, Germany, and it has been determined that a debt in the amount of \$1,589.81 was thereby vested; and

Whereas, Koenig & Bauer, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except the claim formerly owned by Koenig &

Bauer, A. G. Wurzburg, Germany, which has been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Koenig & Bauer, Inc. (to wit, Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and M. S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Koenig & Bauer, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the above-described vested debt formerly owed to Koenig & Bauer, A. G., Wurzburg, Germany, second, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received

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by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Koenig & Bauer, Inc. pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 20th day of October 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9513; Filed, Oct. 23, 1947;
8:48 a. m.]

[Dissolution Order 66]

VOGEMANN-GOUDRIAAN CO., INC., AND METROPOLITAN STEVEDORING CO., INC.

Whereas, by Vesting Order No. 442, dated December 4, 1942 (8 F. R. 1692, February 6, 1943), there were vested all of the issued and outstanding shares of the capital stock of Vogemann-Goudriaan Company, Inc., a Louisiana corporation, and by said vesting order there were undertaken the direction, management, supervision and control of said Vogemann-Goudriaan Company, Inc.; and

Whereas, by Vesting Order No. 1372, dated April 29, 1943 (8 F. R. 6743, May 22, 1943), there were vested 15 of the 250 issued and outstanding shares of capital stock of Metropolitan Stevedoring Co., Inc., a Louisiana corporation, and there were undertaken the direction, management, supervision and control of said Metropolitan Stevedoring Co., Inc., all of the balance of the issued and outstanding capital stock of which is owned by said Vogemann-Goudriaan Company, Inc.; and

Whereas, Vogemann-Goudriaan Company, Inc. and Metropolitan Stevedoring Co., Inc. have been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors of Vogemann-Goudriaan Company, Inc. and Metropolitan Stevedoring

Co., Inc. have been paid, except such claim if any as the Attorney General may have against either or both corporations for monies advanced or services rendered to or on behalf of either or both corporations; and except a claim of Metropolitan Stevedoring Co., Inc. against Vogemann-Goudriaan Company, Inc. in the amount of \$24,530.48; and

2. Having determined that it is in the national interest of the United States that both of said corporations be dissolved and the assets of each distributed, and a consent to dissolution of each having been filed with the Secretary of State of the State of Louisiana and with the Recorder of Mortgages for the Parish of Orleans;

hereby orders, that the officers and directors of Metropolitan Stevedoring Co., Inc. (to wit: Henry S. Sellin, President and Director, Stanley B. Reid, Vice-President and Director, and Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Metropolitan Stevedoring Co., Inc.; and further orders, that the said officers and directors wind up the affairs of said Metropolitan Stevedoring Co., Inc. and distribute the assets thereof coming into their possession as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of Metropolitan Stevedoring Co., Inc. and the dissolution thereof; and

b. They shall then pay all known Federal, State and local taxes and fees owed by or accruing against Metropolitan Stevedoring Co., Inc.; and

c. They shall then pay over, transfer, assign and deliver to the Attorney General of the United States out of the funds and property, if any, remaining in their hands after the payments as aforesaid, such sum as is necessary to satisfy such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of said Metropolitan Stevedoring Co., Inc.; and

d. They shall then pay over, transfer, assign and deliver to the officers and directors of said Vogemann-Goudriaan Company, Inc., and to the Attorney General of the United States, in proportion to their interests as stockholders, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, as a liquidating distribution of assets to said Vogemann-Goudriaan Company, Inc. and the said Attorney General of the United States as holders of all of the issued and outstanding capital stock of Metropolitan Stevedoring Co., Inc.; and

further orders, that the officers and directors of Vogemann-Goudriaan Company, Inc. (to wit: Henry S. Sellin, President and Director, Stanley B. Reid, Vice-President and Director, and Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Vogemann-Goudriaan Company, Inc.; and further orders, that

the said officers and directors wind up the affairs of said Vogemann-Goudriaan Company, Inc. and distribute the assets thereof coming into their possession as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of Vogemann-Goudriaan Company, Inc. and the dissolution thereof; and

b. They shall then pay all known Federal, State and local taxes and fees owed by or accruing against Vogemann-Goudriaan Company, Inc.; and

c. They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of that portion of the claim against Vogemann-Goudriaan Company, Inc. which Metropolitan Stevedoring Co., Inc. shall have assigned to the Attorney General of the United States, second, in satisfaction of such claim if any as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said Metropolitan Stevedoring Co., Inc., or Vogemann-Goudriaan Company, Inc., to file such claim with the Attorney General of the United States against the funds or property of such corporation received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *And provided, further,* That any such claim shall be filed with or presented to the Attorney General of the United States in the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Metropolitan Stevedoring Co., Inc., and Vogemann-Goudriaan Company, Inc., pursuant to this Order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation therein provided.

Executed at Washington, D. C., this 20th day of October 1947.

For the Attorney General

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9515; Filed, Oct. 23, 1947;
8:48 a. m.]